

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FRANKLIN DELANO SIMON, JR.,)
Plaintiff,)
v.) CIVIL ACTION NO. 2:08cv562-TMH
CORRECTIONAL MEDICAL) (WO)
SERVICES, *et al.*,)
Defendants.)

ORDER

On August 20, 2008, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED.
2. That the plaintiff's claim against the Alabama Department of Corrections be and are hereby DISMISSED prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That the Alabama Department of Corrections be and is hereby DISMISSED as a defendant in this cause of action.
4. That this case, with respect to the plaintiff's claims against the remaining defendants, be and is hereby REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this the 12th day of September, 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE